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OFFICE OF PETITIONS

In re Application of
Koch, et al.
Application No. 09/308,407
Filed: July 8, 1999
Attorney Docket No. RO0230US

DECISION ON PETITION

This is a decision on the petition filed April 29, 2002, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to timely file a proper Appeal Brief. A final Office action was mailed on December 14, 2000, which set a shortened statutory period for reply of three months. Petitioner replied with a Notice of Appeal on March 16, 2001 (Certificate of Mailing dated March 14, 2001). Accordingly, petitioner had two months from the filing of the Notice of Appeal, or until May 16, 2001, to file an Appeal Brief in triplicate. Petitioner filed a Notice of Appeal on May 16, 2001 (Certificate of Mailing dated May 14, 2001). However, a Notification of Non-Compliance with 37 CFR 1.192(c) was mailed on July 25, 2001. This Notification set a period for reply of one month for petitioner to file an Appeal Brief in compliance with 37 CFR 1.192(c). No Appeal Brief having been received and no extensions of time having been obtained, the above-identified application became abandoned on August 26, 2001. A Notice of Abandonment was mailed on November 6, 2001.

With the instant petition, petitioner filed a corrected Appeal Brief in triplicate and met all other requirements for a grantable petition under 37 CFR 1.137(b).

The application file is being forwarded to Technology Center 1700 for review of the Appeal Brief by the examiner.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
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for Patent Examination Policy